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8 Attorneys for Defendants BARRY JAY STONE  
9 and STONECREST SQUARE AUTO CENTER,  
10 LLC

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13 **UNITED STATES DISTRICT COURT**  
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 **CHRIS KOHLER,**

16  
17 Plaintiff,

18  
19 v.

20 STONECREST GAS & WASH, INC., dba  
21 STONECREST SHELL; STONECREST  
22 PLAZA, LLC; BARRY JAY STONE;  
23 STONECREST SQUARE AUTO CENTER,  
24 LLC; VINCENT MANNO, TRUSTEE OF THE  
25 VINCENT D. MANNO TRUST AGREEMENT  
26 DATED APRIL 23, 1991; CAROL ANN  
27 CARLETON, TRUSTEE OF THE CAROL A.  
28 CARLTON TRUST AGREEMENT DATED  
MAY 2, 1991; FILOMENA R. BUCKINGHAM,  
TRUSTEE OF THE FILOMENA R.  
BUCKINGHAM TRUST AGREEMENT  
DATED MAY 2, 1991; AMELIA M. LUCAS,  
TRUSTEE OF THE FILOMENA R.  
BUCKINGHAM TRUST AGREEMENT  
DATED MAY 2, 1991; FILOMENA R.  
BUCKINGHAM, TRUSTEE OF THE AMELIA  
M. LUCAS TRUST AGREEMENT DATED  
MAY 2, 1991; AMELIA M. LUCAS, TRUSTEE  
OF THE AMELIA M. LUCAS TRUST  
AGREEMENT DATED MAY 2, 1991; LARRY  
M. LUCAS, TRUSTEE OF THE LUCAS  
FAMILY TRUST U/D/T DATED JANUARY  
22, 1991; and AMELIA M. LUCAS, TRUSTEE  
OF THE LUCAS FAMILY TRUST U/D/T  
DATED JANUARY 11, 1991,

Defendants.

Case No. 08CV0105L(NLS)

**NOTICE OF RELATED CASE**

1 TO THE HONORABLE DISTRICT COURT, TO ALL PARTIES, AND TO  
2 THEIR ATTORNEYS OF RECORD:

3 Pursuant to Local Civil Rule 40.1(e), Defendants hereby give notice of the  
4 following related action: *Tony Harris v. Equilon Enterprises, et al.*, United States District  
5 Court Case No. 04CV2593-LAB(LSP), filed in the Southern District of California on or  
6 about December 30, 2004. This case is a Related Action under Local Civil Rule 40.1(f)  
7 because it:

- 8 (1) involves all of the same parties (with the exception of Plaintiff),
- 9 (2) is based upon the same ADA claims,
- 10 (3) involves the same property (located at 3690 Murphy Canyon Road, San  
11 Diego, California),
- 12 (4) involves substantially the same facts and same questions of law,
- 13 (5) was actually tried before the Honorable Larry A. Burns on or about  
14 September 21, 2006, resulting in a Judgment in favor of Defendants under  
15 Fed. R. Civ. Proc. 52(a); and
- 16 (6) Plaintiff herein is represented by the same lawyers who tried the *Harris* case  
17 to Judgment before the Honorable Larry A. Burns.

18 Assignment to a single District Judge is likely to effect a savings of judicial effort  
19 and economy for the following reasons: The *Harris v. Equilon* case has not been  
20 concluded (although it has been administratively closed, preventing the filing of a Notice  
21 of Related Case therein); Defendants' Motion for Attorney's Fees is still pending.  
22 Although Plaintiff Harris (through his same counsel) appealed the Judgment, he  
23 voluntarily dismissed that appeal. The Honorable Larry A. Burns took evidence, actually  
24 visited the property (pursuant to the parties' Stipulation), heard testimony, ruled upon  
25 Motions in Limine, and is completely familiar with not only the issues which were tried  
26 before him, but the configuration of the property, and the roles of the various defendants.  
27 Thus, the interests of judicial economy would be well-served by transfer of the instant  
28 matter to Judge Burns, under the "low number" rule, because Judge Burns is intimately

1 familiar with all aspects of the claims re-asserted by the same Plaintiff's counsel in this  
2 case, albeit ostensibly on behalf of a different Plaintiff.

3 Dated: February 15, 2008

Respectfully submitted,

4 VAUGHN & VAUGHN

5  
6 By: 

DONALD A. VAUGHN

7 Attorneys for Defendants BARRY JAY STONE  
8 and STONECREST SQUARE AUTO CENTER,  
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**Kohler v. Stonecrest Square Gas & Wash, Inc., et al.**

United States District Court Case No. 08cv0105 L NLS

**CERTIFICATE OF SERVICE VIA CM/ECF SYSTEM**

I hereby certify that on **February 15, 2008**, I electronically filed the document entitled:

**NOTICE OF RELATED CASE**

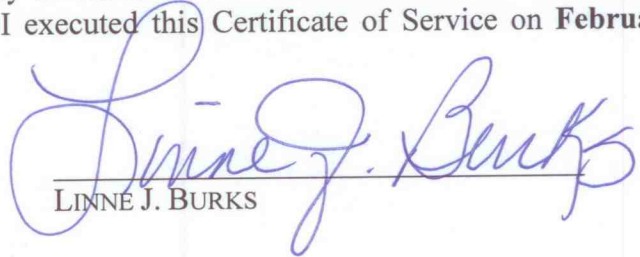
with the Clerk of the United States District Court for the Southern District of California, using the CM/ECF System. The Court's CM/ECF system will send an e-mail notification of the foregoing filing to the following parties and counsel of record who are registered with the Court's CM/ECF System:

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Scottlynn J. Hubbard, IV, Esq.  
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*Counsel for Plaintiff*

Pursuant to the CM/ECF system, registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct, and that I executed this Certificate of Service on **February 15, 2008**, at San Diego, California.

  
LINNE J. BURKS